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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 543/2012
AMARJEET SINGH GUJRAL Plaintiff

Through: Ms. Kanchan Kaur Dhodi, Adv.

Versus

JUNG BAHADUR SINGH GUJRAL & ORS
..... Defendants

Through: Mr. Ajay Bahl, Adv. for
D-5,6&LRs of D-7
Mr. A. K. Tandon, Adv. for
D-1,3& Master Paramveer Singh,
proposed LR of deceased D-2
Mr. Siddharth Jain & Mr. Ashish
Upadhyay, Advs. for D-9
(joined through VC)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)

ORDER

% **05.02.2024**

IA No.9169/2023 under Order XXII Rule 2&4 CPC
moved by the plaintiff seeking substitution of LR of
deceased defendant no.7

Learned counsel for the defendant no.5 already submitted that he does not wish to file any reply to captioned IA.

Learned counsel for D-1, LR of D-2, D-3&6 already submitted that he has no objection, if captioned IA is allowed without prejudice to his rights and contentions.

It is already stated by learned counsel for the defendant no.9 that he has no objection to captioned IA.

It is stated by learned counsel for the plaintiff that she has already filed Amended Memo of Parties in terms of submissions made on last date of hearing 04.08.2023.



However, the same is not on record. Learned counsel for the plaintiff is directed to take requisite steps within two weeks to bring the same on record.

Service report qua defendant no.4&8 has not been received back as yet. At this stage, it is stated by learned counsel for the plaintiff that defendant no.4 has expired and the LRs of defendant no.4 have already been impleaded. However, she has conceded that Memo of Parties on record does not reflect so. At request, fresh notice of the captioned IA be issued to the defendant no.8 as well as LRs of deceased defendant no.4 by all permissible modes on taking steps by the applicant, returnable for the next date of hearing. The plaintiff is directed to file Affidavit of Service in this regard before the next date of hearing.

At this stage, learned counsel for all the LRs of defendant no.7 is present and submits that he has already filed his Vakalatnama on behalf of LR no.(i) & (iii) of deceased defendant no.7 vide diary no.284076/24. However, the same is not on record. Learned counsel for LRs of deceased defendant no.7 is directed to take requisite steps to bring Vakalatnama on record. He also submits that said LR i.e. LR no.(i) & (iii) of deceased defendant no.7 does not wish to file any reply to the captioned IA.

Learned counsel for LRs of deceased defendant no.7 further submits that he has also received instructions from LR no.(ii) of deceased defendant no.7 to represent the said LR and he will also file his Vakalatnama on behalf of LR no.(ii) of deceased defendant no.7 shortly. Let needful be



done as stated. Let reply, if any, be filed by LR no.(ii) of deceased defendant no.7 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter with copy to the opposite side.

Re-notify captioned IA for completion of pleadings/service on the next date of hearing.

IA No.1181/2022 under Order XXII Rule 2&4 CPC moved by plaintiff to substitute the LRs of deceased defendant no.2 i.e. defendant no.3, plaintiff, defendant no.5 and 6, who are already on record in place of deceased defendant no.2

IA no.11321/2022 under Order XXII Rule 4 and Section 151 CPC moved by Master Paramveer Singh Gujral, stated to be sole LR of deceased defendant no.2 for his impleadment in place of deceased defendant no.2

The captioned IA has been filed plaintiff for substitution the LRs of deceased defendant no.2 i.e. defendant no.3, plaintiff, defendant no.5 and 6, who are already on record in place of deceased defendant no.2. On the other hand, an application bearing IA No.11321/2022 has been filed by Master Paramveer Singh Gujral seeking his impleadment as sole LR of deceased defendant no.2 on the strength of Will executed by deceased defendant no.2 in his favour.

As per office note, common reply to the captioned IA bearing No.1181/2022 filed by defendant no.1,3,5&6 is on record.

It is pointed out by learned counsel for the plaintiff that said reply is for defendant no.1&3 and not for defendant no.5&6.

At this stage, it is stated by Mr. Ajay Bahl, learned new counsel for the defendant no.5&6 that the said



common reply was filed by earlier counsel Mr. A. K. Tandon only for defendant no.1&3. He submits that he will to file fresh reply on behalf of defendant no.5&6 and on behalf of LRs of defendant no.7. At request, reply, if any, to the captioned IAs be filed by defendant no.5,6&LRs of D-7 within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter.

At this stage, Mr. A. K. Tandon, Adv. that as defendant no.5&6 has engaged a new counsel, he may be discharged. Accordingly, Mr. A. K. Tandon, Adv. is discharged from representing the defendant no.5&6 in future.

Learned counsel for the plaintiff accepts notice of the captioned IA bearing No.11321/2022 and wants to file reply to the captioned IA. At request, reply, if any, be filed by the plaintiff within two weeks with copy to the opposite side, who is at liberty to file rejoinder, if any, within two weeks thereafter.

It is stated by learned counsel for the defendant no.1&3 that defendant no.1&3 does not wish to file any reply to the captioned IA bearing IA no. 11321/2022.

At request, issue notice of the captioned IAs to defendant no.8 as well as LRs of defendant no.4 by all permissible modes on taking steps by the applicant, returnable for the next date of hearing.

At this stage, it is stated by learned counsel for the defendant no.9 that he does not wish to file any reply to the captioned IAs.

Re-notify captioned IA for completion of



pleadings/service on 02.04.2024.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY5, 2024/ab

Click here to check corrigendum, if any